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December 22nd, 2017

**VIA ECF**

Honorable Henry B. Pitman, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Guzman et al v. Kahala Holdings, LLC et al**  
**Case No. 15-cv-9625 (HBP)**

Dear Judge Pitman:

This office represents Plaintiffs ("Plaintiffs") in the above referenced matter.

I write jointly on behalf of Kahala and Plaintiffs to respectfully request an additional time to re-submit the settlement agreement in this matter and for a telephone conference regarding certain language that the Defendants propose to include in a revised agreement.

A revised draft has been circulated amongst the parties. Some of the Defendants have proposed language to be added to the agreement that Plaintiff's counsel believes would not accommodate the strictures set forth in *Cheeks*.

For the sake of clarity, the parties would like to have a brief telephone conference with the Court to discuss whether the language proffered by the Defendants would satisfy this Court's understanding of the *Cheeks* decision.

With the Court's permission, the parties would ask that they be permitted to submit the revised materials on January 12th, 2018 and for a telephone conference at the Court's discretion.

Respectfully Submitted,

/s/Colin Mulholland  
Colin Mulholland, Esq.  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
Attorneys for Plaintiffs

cc: Andrew Spinnell, Esq. (by ECF)

Hon. Henry B. Pitman, U.S.M.J.

January 25, 2017

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*Attorney for the New Age Defendants*

Arthur Pressman, Esq. and Leslie Hartford, Esq.(by ECF)

*Attorney for the Kahala Defendants*